



ORDINANCE NO. 3117

ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, BY AMENDING ORDINANCE NO. 2910, AS AMENDED BY ORDINANCE NO. 3064, GRANTING A SPECIFIC USE PERMIT FOR OUTDOOR COMMERCIAL AMUSEMENT, ON PROPERTY LOCATED IN PLANNED DEVELOPMENT DISTRICT NO. 77 (PD-77), BY AMENDING THE SITE PLAN RELATED TO THE PROPERTY DESCRIBED AS LOT 1, BLOCK 1, GREGORY ADDITION, CITY OF FARMERS BRANCH, TEXAS; PROVIDING A SPECIAL EXCEPTION WITH RESPECT TO LOCATION OF CERTAIN FENCING; AMENDING CERTAIN SPECIAL CONDITIONS REGARDING THE EXTERIOR FAÇADE OF CERTAIN BUILDINGS; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. The Comprehensive Zoning Ordinance and zoning map of the City of Farmers Branch, Texas, be, and the same is hereby amended, by further amending as set forth in Section 2, below, Ordinance No. 2910, granting a Specific Use Permit for Outdoor Commercial Amusement for property zoned Planned Development District No. 77 (PD-77), as previously amended by Ordinance No. 3064, with respect to the development of Lot 1, Block 1, Gregory Addition, an Addition to the City of Farmers Branch, according to the map thereof recorded in Volume 87232, Page 1368, Plat Records, Dallas County, Texas (referred to in Ordinance No. 3064 and hereafter as the "Second Parcel").

SECTION 2. The Second Parcel shall in all respects be subject to the provisions of Ordinance No. 2910, as amended by Ordinance No. 3064, except as said ordinances are further amended as

follows:

- A. The Second Parcel shall be developed and used only in accordance with the Site Plan attached hereto as Exhibit "A," and incorporated herein for all purposes, which Site Plan is hereby approved and which shall supersede and replace the second page of Exhibit "A" as attached and incorporated into Ordinance No. 3064.
- B. Section 2, Paragraph D of Ordinance No. 3064 shall be amended to read as follows:
 - D. Prior to the issuance of a Certificate of Occupancy relative to use of the existing metal building (as shown on the Site Plan) for any purpose other than to store property maintenance materials or equipment, the northern, eastern, and southern façades of the building shall be clad with brick masonry comprising no less than 75% of each exterior wall. The western façade of said building shall be clad with brick masonry comprising no less than 75% of each exterior wall not later than ninety (90) days after the owners of the Second Parcel (1) acquire either a leasehold or fee ownership interest in the real property immediately to the west of the Second Parcel or (2) otherwise obtain the consent of the owner of the real property immediately to the west of the Second Parcel to enter onto said property and perform the required masonry work.
- C. Section 2 of Ordinance No. 3064 shall be amended by adding a new Paragraph G, to read as follows:
 - G. The owner of the Second Parcel may install a decorative metal security fence with gate adjacent to Keenan Bridge Road as shown on the Site Plan attached to this Ordinance, which location constitutes a variance and exception from the front yard setback requirements of PD-77, and which variance and exception is hereby approved. Notwithstanding the foregoing, the fence shall be relocated or removed, and this variance and exception shall terminate, on the 31st day following delivery of notice by the City to the owner of the Second Parcel that the City desires to widen the paved area of Keenan Bridge Road adjacent to the Second Parcel.

SECTION 3. The above described property shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended and as amended herein.

SECTION 4. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Farmers Branch and the provisions of this Ordinance as

applicable to the use and development of the Second Parcel, the provisions of this Ordinance shall be controlling.

SECTION 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

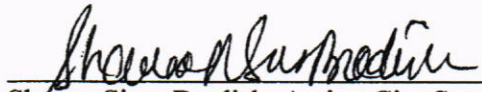
SECTION 7. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.


SECTION 8. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,
TEXAS, ON THIS THE 1ST DAY OF MARCH, 2011.**

ATTEST:

APPROVED:


Shanna Sims-Bradish, Acting City Secretary


Tim O'Hare, Mayor

APPROVED AS TO FORM:


Peter G. Smith, City Attorney